IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.91 OF 2007

Ulhas Ramchandra Rane — Petitioner
vs.
The Deputy Superintendent of Prisons, Yerwada Central Prison, Pune & anr. — Respondents

Ms.Indrayani M. Koparkar for the petitioner.

Mr.S.S.Pednekar, APP for State.

CORAM : SMT.RANJANA DESAI &
ANOOP V. MOHTA,JJ.

DATED : 21st February, 2007

P.C.

Rule. By consent, rule is heard forthwith.

2. The petitioner is undergoing life imprisonment in Yerwada Central Prison, Pune. His application for furlough was rejected by DIG Prisons, Western Region, Pune vide order dated 18.12.2006. Being aggrieved by the said rejection, the petitioner has approached this Court.

3. We have heard the learned counsel for the petitioner. The learned counsel for the petitioner pointed out that on two earlier occasions, the petitioner was released on furlough. On one occasion, he surrendered late by two days and on the other

occasion, he surrendered after 30 days from the expiry of furlough period. He submitted that for these two occasions, the petitioner has been punished. The learned counsel submitted that considering the fact that the petitioner himself surrendered to the Prison Authorities and his overstay is only for a period of 2 days and 30 days, the impugned order be set aside and the petitioner be released on furlough.

4. We have heard the learned APP. Our attention is drawn to the judgement of this Court in **Cri. Writ Petition No.1624/2004-Bharat @Velji G. Panchal @ Lohar vs. The State of Maharashtra & ors. and other companion petitions dated 2.5.2006** wherein this Court has considered the principles underlying the grant of furlough to prisoners.

5. The learned APP submitted that the Jail authorities are justified in rejecting furlough application in case of late surrender and such action cannot be described as double jeopardy. He submitted that therefore no interference is called for with the impugned order.

6. It is true that on two earlier occasions the petitioner has surrendered late to the Prison. However, the petitioner has overstayed only for two days and 30 days on two earlier occasions. It is significant to

note that the petitioner has voluntarily returned to the Prison. In the judgement to which our attention is drawn by the learned counsel this Court has laid down that where the prisoners overstay after the furlough period is over but return on their own, the circumstances like the period of overstay, the explanation given and the conduct of the prisoner in jail after his return may be taken into consideration while dealing with the application for furlough. We are informed that the conduct of the prisoner in the jail is satisfactory. No prison offences are alleged against him.

7. In the circumstances, in our opinion, the petitioner should be ordered to be released on furlough. Hence the following order:

ORDER

(i) The order dated 18.12.2006 passed by the DIG Prisons, Western Region, Pune-6 is quashed and set aside.

(ii) The petitioner-Ulhas Ramchandra Rane is ordered to be released on furlough for a period of 14 days on the condition that he shall attend the Panvel Police

Station between 2 p.m. to 7 p.m. after every alternate day. The petitioner shall surrender on the expiry of 14 days.

8. Rule is disposed of in the aforesaid terms.

[SMT.RANJANA DESAI,J.]

[ANOOP V. MOHTA,J.]